

SLR:KHF

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CV 12 - 2773

WESAM ELHANAFI

Plaintiff,

v.

JOHN P. CRONAN  
Assistant U.S. Attorney,

Defendant.

NOTICE OF REMOVAL

VITALIANO, J.

Civil Action

2012 JUN -1 PM 1:50  
U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK  
FILED  
CLERK

NO SUMMONS ISSUED

MANN, M.J.

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK:

PLEASE TAKE NOTICE that the above-captioned action, pending in the  
Supreme Court of the State of New York, County of Kings, has been removed to the United  
States District Court for the Eastern District of New York.

LORETTA E. LYNCH, United States Attorney for the Eastern District of New  
York, Kelly Horan Florio, Assistant United States Attorney, of counsel, respectfully states the  
following facts upon information and belief:

1. On May 9, 2012, the above-captioned action was commenced in the  
Supreme Court of the State of New York, County of Kings.
2. This is an action alleging libel and defamation on the part of the  
defendant. Specifically, the complaint alleges that, on May 26, 2010, Assistant United States  
Attorney John Cronan made false statements at plaintiff's bail hearing that plaintiff had  
associated with or assisted Al Qaeda.
3. Defendant John Cronan is a full-time employee with the Office of the

United States Attorney for the Southern District of New York.

4. At the time of the incidents alleged in the complaint, defendant Cronan was an employee of the Office of the United States Attorney for the Southern District of New York and was acting within the scope of her employment.

5. The Office of the United States Attorney for the Southern District of New York is part of the United States Department of Justice.

6. Pursuant to 28 U.S.C. § 2679(d)(1), this action may be discontinued as to defendant Cronan upon certification that he was acting within the scope of his employment at the time of the incident from which the claim arose, and the United States may be substituted as party defendant. The certification by Kelly Horan Florio, Assistant United States Attorney, is annexed to the Declaration of Assistant U.S. Attorney Kelly Horan Florio as Exhibit A.

7. In accordance with 28 U.S.C. § 1446(a), a copy of the summons and complaint is annexed to the Declaration of Assistant U.S. Attorney Kelly Horan Florio as Exhibit B.

8. The United States District Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1346.

9. Pursuant to 28 U.S.C. §§ 1442(a)(1) and 2679(d)(2), this action may be removed to this Court. See 28 U.S.C. §§ 1442(a)(1); 2679(d)(2).

10. Under 28 U.S.C. §§ 2408 and 2679(d)(2), the United States may remove this action without a bond. See 28 U.S.C. §§ 2408, 2679(d)(2).

11. The United States is substituted as the party defendant for defendant John Cronan pursuant to 28 U.S.C. § 2679 and 42 U.S.C. § 233(c).

WHEREFORE, it is respectfully noticed that the above-captioned action that is

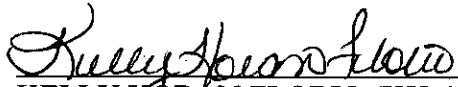
now pending in the Supreme Court of the State of New York, County of Kings has been removed to this Court; and

In accordance with 28 U.S.C. § 1446(d), the filing of a copy of this notice with the Clerk of the Court, Supreme Court of the State of New York, County of Kings, shall effect the removal and the state court shall proceed no further unless and until the case is remanded.

Dated: Brooklyn, New York  
June 1, 2012

LORETTA E. LYNCH  
United States Attorney  
Eastern District of New York  
271 Cadman Plaza East, 7<sup>th</sup> Floor  
Brooklyn, New York 11201

By:

  
KELLY MORAN FLORIO (KH-4873)  
Assistant United States Attorney  
(718) 254-6007

TO: Clerk of Court  
Supreme Court of the State of New York  
County of Kings  
360 Adams Street  
Brooklyn, New York 11201

Wesam Elhanafi c/o  
Walid Elhanafi  
160 Bay 28<sup>th</sup> Street  
Brooklyn, New York 11214